

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the Pasadena Avenue Monterey Road Committee for variance of General Order 143B and authority to explore and enter into negotiations for consideration and implementation pursuant to Public Utilities Code (PUC) §§ 1202, 7604 as a pilot project as permitted by SB 1491.

Application 03-01-013  
(Filed January 16, 2003)

Application of the Pasadena Avenue Monterey Road Committee and City of South Pasadena for Variance of General Order 75-C.

Application 03-07-049  
(Filed July 25, 2003)

In the Matter of the Application of the City of South Pasadena for Approval of Ordinance 2121 Relating to Limitations of Train Speeds Pursuant to Section 7658 of the California Public Utilities Code.

Application 03-07-050  
(Filed July 25, 2003)

**ADMINISTRATIVE LAW JUDGE'S RULING REVISING SCHEDULE**

**Background**

These applications are among a series of applications related to the construction of the Los Angeles to Pasadena Blue Line light rail system.<sup>1</sup> Unlike

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<sup>1</sup> Since the initial applications were filed, the line has been renamed the Gold Line. That name will be used here.

the other applications, which were filed by the Los Angeles to Pasadena Metro Blue Line Construction Authority (Construction Authority) for permission to construct a number of crossings for the light rail system, these applications were filed by a community group in South Pasadena, Pasadena Avenue Monterey Road Committee (PAMRC), and the City of South Pasadena (City). PAMRC was the initial applicant. The City intervened in the initial proceeding and aligned itself with PAMRC; the two parties shared counsel.<sup>2</sup>

Application (A.) 03-01-013 requests that variances from some of the requirements of General Order (GO) 143-B be granted to eliminate the sounding of horns or other audible warning devices by Gold Line trains in South Pasadena. A.03-07-049 requests a variance from GO 75-C to limit or eliminate the sounding of bells on the crossing gates at all South Pasadena at-grade crossings of the Gold Line. A.03-07-050 requests, pursuant to Pub. Util. Code § 7658,<sup>3</sup> that the Commission approve the City's Ordinance 2121, which, among other things, would impose a speed limit of 20 miles per hour on Gold Line trains in South Pasadena.

The Los Angeles County Metropolitan Transportation Authority (LACMTA), the operator of the Gold Line, filed a protest to A.03-01-013 on February 20, 2003. The Construction Authority filed a response to A.03-01-013

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<sup>2</sup> As a result of the City joining in a proposed settlement, as outlined below, counsel for the City has withdrawn as counsel for PAMRC.

<sup>3</sup> Unless otherwise indicated, all subsequent citations to sections refer to the Public Utilities Code, and citations to rules refer to the Rules of Practice and Procedure, which are codified at Chapter 1, Division 1 of Title 20 of the California Code of Regulations.

A.03-01-013 et al. AES/jva

on February 20, 2003. LACMTA protested both A.03-07-049 and A.03-07-050 on September 5, 2003.

A revised scoping memo for the three consolidated proceedings (scoping memo) was issued October 20, 2003. The schedule set in the scoping memo was modified at the request of the parties in an Administrative Law Judge's (ALJ) Ruling dated December 1, 2003. The evidentiary hearing (EH) was set for the week beginning April 12, 2004.

### **Status of the Proceedings**

On April 1, 2004, the City, LACMTA, and the Construction Authority (settling parties) filed a motion for adoption of a proposed settlement in all of the consolidated proceedings. PAMRC has not joined in the proposed settlement. At the request of LACMTA, the ALJ held an informal status and scheduling conference by telephone on April 2, 2004, with representatives of the City, LACMTA, the Construction Authority, PAMRC, and Commission staff.

The settling parties proposed using the dates already set for the EH to take testimony directed to the proposed settlement, with written comments on the proposed settlement to be filed after testimony was taken. This proposal varies the usual order set out in Rule 51 *et seq.* The Rules contemplate the filing of comments first, with hearings set only if contested issues of material fact emerge from the comments. While recognizing the settling parties' interest in efficient resolution of any dispute about the proposed settlement, the ALJ also recognized the need for PAMRC, now without counsel, to develop its position on the proposed settlement. The ALJ determined that it would ultimately be beneficial to orderly development of the record, and thus more efficient, to follow the usual order of comments, reply comments, and hearing (if needed) in addressing this contested settlement.

### Revised Schedule

The parties agreed to the following schedule:

|                                      |   |
|--------------------------------------|---|
| April 1, 2004                        | Motion for adoption of proposed settlement filed and served   |
| April 30, 2004                       | Comments on proposed settlement filed and served  |
| May 17, 2004                         | Reply comments filed and served   |
| June 2, 2004<br>10:00 a.m.           | Evidentiary hearing on contested material factual issues re: settlement, if needed<br>Commission Courtroom<br>San Francisco |
| June 3 and June 4, 2004<br>9:30 a.m. | Additional days for evidentiary hearing, if needed  |

**IT IS RULED** that the schedule for these consolidated proceedings is revised as set forth herein.

Dated April 8, 2004, at San Francisco, California.

/s/ ANN E. SIMON  
Anne E. Simon  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail, this day served a true copy of the original attached Administrative Law Judge's Ruling Revising Schedule on all parties of record in this proceeding or their attorneys of record.

Dated April 8, 2004, at San Francisco, California.

/s/ JANET V. ALVIAR

Janet V. Alviar

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.